

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

UNITED STATES OF AMERICA

v.

NO. 2:17-CR-055-D (03)

ROGELIO XOCHITL AMPARAN (03)

FACTUAL RESUME

In support of Rogelio Xochitl Amparan's plea of guilty to the offense in Count Two of the Indictment, Xochitl Amparan, the defendant, Eric Coats, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count Two of the Indictment, charging a violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(viii), that is, Possession with Intent to Distribute 500 Grams or More of Methamphetamine, the government must prove each of the following elements beyond a reasonable doubt:¹

- First.* That the defendant knowingly possessed a controlled substance;
- Second.* That the substance was in fact methamphetamine;
- Third.* That the defendant possessed the substance with the intent to distribute it; and
- Fourth.* That the quantity of the substance was at least 500 grams.

¹ Fifth Circuit Pattern Jury Instruction 2.93 (5th Cir. 2015).

STIPULATED FACTS

1. From on or about a date unknown, to on or about June 8, 2017, in the Amarillo Division of the Northern District of Texas, and elsewhere, Rogelio Xochitl Amparan, defendant, did knowingly and intentionally possess with intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(viii).

2. On June 8, 2017, a buy-bust operation was conducted in Amarillo, Texas, by the United States Drug Enforcement Administration (DEA). During the operation, a DEA surveillance team followed Miguel Angel Bravo-Farias. Bravo-Farias met with Hector Terrazas at the Toot n Totum, located at the corner of Columbine and Amarillo Boulevard in Amarillo, Texas. DEA agents observed Bravo-Farias and Terrazas speak to each other for a short time. Bravo-Farias left the Toot n Totum and traveled to the Denny's Restaurant, located at 9601 I-40 East, Amarillo, Texas.

3. DEA agents followed Terrazas once he left the Toot n Totum. Terrazas traveled to his home in Amarillo. Terrazas switched vehicles while at his residence. Terrazas was observed placing a box into a maroon Ford Escape. Terrazas then left his home in the maroon Ford Escape. Terrazas traveled to the LaChoza restaurant in Amarillo. He met with a person in the parking lot, and that person gave Terrazas a package. Terrazas then returned home for a brief period of time. Terrazas left his home again and traveled to the Denny's restaurant.

4. Agents made contact with Bravo-Farias by phone. Bravo-Farias told agents that he would meet them at the Denny's restaurant. He said that he would be in a maroon Ford Escape. Agents met with Bravo-Farias and Terrazas at the Denny's restaurant. A door of the maroon Ford Escape was opened and a box containing a large amount of suspected methamphetamine was shown to Agent Gabe Medrano. Both Bravo-Farias and Terrazas were arrested by DEA Agents.

5. The substance in the box was field tested, and it gave a positive result for methamphetamine. The gross weight was approximately 20.5 pounds.

6. During the time that buy-bust was taking place at the Denny's restaurant, DEA surveillance observed a grey Dodge Charger leave Terrazas's residence. The driver of the Charger was Rogelio Xochitl Amparan. The Charger was stopped for having suspended registration out of New Mexico. Xochitl Amparan was arrested for having a suspended registration.

7. A search warrant was executed on Terrazas's home. Agents located a conversion lab, which had been used to dry liquid methamphetamine and convert it into crystal methamphetamine "Ice." In addition to equipment that had been used to dry liquid methamphetamine, Agents located 34 empty glass bottles, which had a crystal-like substance on the spouts of the bottles. In the refrigerator, agents located two igloo style containers with liquid methamphetamine inside of them. The liquid methamphetamine in one igloo style container had a gross weight of 1,209.5 grams and the other had a gross weight of 1,230.6 grams. An orange Gatorade brand thermos was also located in the refrigerator. The Gatorade thermos contained liquid methamphetamine and had a gross

weight of 2,834 grams. A bright yellow thermos was located in the refrigerator, and it also contained liquid methamphetamine. The yellow thermos had a gross weight of 1,455.4 grams.

8. Xochitl Amparan was interviewed by DEA Agents following the reading of his *Miranda* warnings. Xochitl Amparan admitted that he was involved in the methamphetamine operation. Xochitl Amparan stated that he received all the money from the sale of methamphetamine. He admitted that the money was transported back to his brother, who lives in Juarez, Mexico. Xochitl Amparan admitted that he had converted liquid methamphetamine to crystal methamphetamine, "Ice." He admitted that he had a key to the locked room in Terrazas's residence. That room that was being used as a conversion lab. Xochitl Amparan admitted to being involved in the methamphetamine operation for the past four years. Xochitl Amparan stated that he had converted the methamphetamine that was delivered to undercover agents on June 8, 2017 because Bravo-Farias and Terrazas were "messing up the process."

9. The methamphetamine was sent to the DEA South Central Laboratory. On July 31, 2017, the DEA Laboratory confirmed that the liquid substance found in Terrazas's home was in fact methamphetamine, a Schedule II controlled substance. The substance had a purity level ranging from 25% to 86%.

10. On July 20, 2017, the DEA Laboratory confirmed that the substance Bravo-Farias and Terrazas delivered to undercover agents was in fact methamphetamine, a Schedule II controlled substance. The net weight was 9,198 grams with a 93% purity.

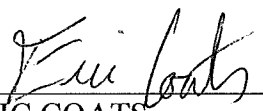
11. Prior to the June 8, 2017 buy-bust operation, undercover agents had purchased a large amount of methamphetamine directly from Bravo-Farias. On July 20, 2017, the DEA Laboratory confirmed that the packages Bravo-Farias sold to undercover agents contained methamphetamine, a Schedule II controlled substance. The methamphetamine had a net weight of 879.7 grams with a 95% purity.

12. The defendant agrees that the defendant committed all the essential elements of the offense. This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Count Two of the Indictment.

AGREED TO AND STIPULATED on this 23rd day of August, 2017.




ROGELIO XOCHITL AMPARAN
Defendant



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